

5. Counsel for Plaintiff was out of town for the most part since the filing of the Reply Brief and unable to prepare the Rebuttal Brief during the three day period.

6. There is no prejudice to Defendant since there is sufficient time prior to the hearing for Defendant to consider the matters contained in the Rebuttal Brief, which will be filed as soon as permission is granted by the Court.

WHEREFORE, Plaintiff pursuant to Local Rule 7 (F)(1) requests leave to file a Rebuttal Brief no later than October 17, 2012.

Respectfully submitted,

Franconia Square, LLC,
by Counsel

/s/

Douglas E. Bywater (VSB#9137)
Tate, Bywater & Fuller, PLC
2740 Chain Bridge Road
Vienna, VA 22181
703 938-5100 Tel.
703 255-1097 Fax
debywater@tatebywater.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of October, 2012, I electronically filed the foregoing with the Clerk of the Court and sent via first class U.S. Mail, postage prepaid to:

John M. Luchak
Bassman, Mitchell & Alfano, Chartered
1707 L Street, N.W., Suite 560
Washington, DC 20036

/s/

Douglas E. Bywater